



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,889	08/23/2001	Shunichi Sekiguchi	3815/128	2978

22913 7590 11/28/2005

WORKMAN NYDEGGER
(F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,889

Applicant(s)

SEKIGUCHI ET AL.

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-60 is/are pending in the application.
- 4a) Of the above claim(s) 50-59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-49 and 60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicants Election to Restriction Requirement filed on October 13, 2005. Applicants elect Group I claims 32-49 and 60 without traverse. Claims 32-49 and 60 are presented for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **32-49** and **60** are rejected under 35 U.S.C. 102(e) as being anticipated by Fox et al (hereinafter, “Fox”, U.S. Pat. No. 6,654,786).

As per claims **32**, **41** and **60**, Fox discloses a wireless terminal, control method and computer-readable medium comprising:

- means for transmitting data about said wireless terminal to a push delivery control unit (abstract and , col. 5, lines 17-29);
- means for receiving summary content which is decided to be deliverable by said push delivery control unit from a push server for storing the summary content which is a summary of detailed content (col. 6, lines 64-67 and col.7, lines 1-21);

Art Unit: 2157

- means for displaying the received summary content according to data about said wireless terminal that is not transmitted to said push delivery control unit, the data differing from the data about said wireless terminal which is transmitted to said push delivery control unit (col. 5, lines 42-57);
- means for instructing a pull server to transmit the detailed content corresponding to the received summary content (col. 7, lines 3-21); and
- means for receiving the detailed content corresponding to the received summary content from said pull server (col. 7, lines 3-21).

As per claims **33** and **42**, Fox discloses:

- wherein said means for displaying the received summary content further displays the summary content according to a display control code for controlling display of content on said terminal (col. 5, lines 42-57).

As per claims **34** and **43**, Fox discloses:

- wherein the data about said wireless terminal includes data about content display capability of said wireless terminal and data about a user of said wireless terminal (col. 9, lines 32-46).

As per claims **35** and **44**, Fox discloses:

- wherein the data about the user of said wireless terminal consists of data which is transmitted to said push delivery control unit and data which is not transmitted to said push delivery control unit (col. 10, lines 23-35).

As per claims **36** and **45**, Fox discloses:

- wherein the data about said wireless terminal includes data about content display capability of said wireless terminal and data about a location of said wireless terminal (col. 9, lines 32-46).

As per claims **37** and **46**, Fox discloses:

- wherein the data about said wireless terminal includes data about a user of said wireless terminal and data about a location of said wireless terminal (col. 9, lines 32-46).

As per claims **38** and **47**, Fox discloses:

- wherein the data about the user of said wireless terminal consists of data which is transmitted to said push delivery control unit and data which is not transmitted to said push delivery control unit (col. 10, lines 23-35).

As per claims **39** and **48**, Fox discloses:

- wherein the data about said wireless terminal includes data about content display capability of said wireless terminal, data about a user of said wireless terminal, and data about a location of said wireless terminal (col. 9, lines 32-46).

As per claims **40** and **49**, Fox discloses:

- wherein the data about the user of said wireless terminal consists of data which is transmitted to said push delivery control unit and data which is not transmitted to said push delivery control unit (col. 10, lines 23-35).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,421,781 to Fox et al

U.S. Pat. No. 6,505,160 to Levy et al

U.S. Pat. No. 6,704,295 to Tari et al

U.S. Pat. No. 6,138,158 to Boyle et al

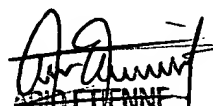
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
November 21, 2005


ARIO ETIENNE
INTERVIEW PATENT EXAMINER
EBC CENTER 2100